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6 Attorneys for Secured Creditor
7 CIRCLE BANK

8 UNITED STATES BANKRUPTCY COURT FOR THE
9 NORTHERN DISTRICT OF CALIFORNIA
10 SAN JOSE DIVISION

11 In re:

12 CRAIG LEWIS ATAIDE,
13 Debtor.

Bk. No.09-57682 - ASW

Chapter 11

R.S. No. RDW-247

14 DECLARATION REGARDING BREACH OF
15 ORDER

16 Hearing-Motion for Relief from Automatic Stay

17 Date: December 15, 2009

Time: 2:00 p.m.

18 Place: Bankruptcy Court

280 S 1st St., Courtroom #3020

San Jose, CA 95113

21 DECLARATION OF REILLY D. WILKINSON

22 I, REILLY D. WILKINSON, declare and state:

23 1. As to the following facts, I know them to be true of my own personal
24 knowledge, and if called upon to testify in this action, I could and would testify competently to
25 the following facts personally known by me to be true:

26 2. I am an attorney at law duly licensed to practice in the State of California.

27 3. I am one of the attorneys of record for CIRCLE BANK, Secured Creditor
28 of the above-named Debtor ("Lender").

1 4. On December 15, 2009, the Court heard Lender's Motion for Relief From
2 the Automatic Stay and issued an Order which required that Debtor make certain payments as a
3 condition for continuing the Automatic Stay. On December 31, 2009, a proposed RDER
4 REGARDING CIRCLE BANK'S MOTION FOR RELIEF FROM THE AUTOMATIC STAY
5 (the "Order"), which correctly reflects the terms of the Court's decision, was submitted to the
6 above-captioned court for approval and signature of the Honorable Arthur S. Weissbrodt and
7 served upon Debtor and Debtor's counsel. A copy of the Order and Proof of Service are attached
8 as Exhibit "A".

9 5. Under the provisions of the Order, Debtor was to submit timely post-
10 petition trust deed payments owed to Lender and secured by the real property located at **591 East**
11 **Franklin Street, Monterey, CA 93940**, (the "Property"). Payments were to commence in
12 December, 2009.

13 6. In the event that Debtor failed to abide by the terms of the Order, Lender
14 was to serve written notice that a breach had occurred, and that Debtor had ten (10) days to cure
15 said breach.

16 7. On December 20, 2009, my office received a payment in the form of a non-
17 certified check in the amount of \$4,500.00. Pursuant to the Order, all payments must be made in
18 certified funds. Therefore, Debtor has failed to submit the regular monthly payment for the
19 month of December.

20 8. Due to Debtor's failure to timely and properly comply with the terms of
21 the Order as set forth hereinabove, Lender has been forced to incur additional attorney's fees
22 to collect the amounts owing. These attorney's fees are in addition to attorney's fees incurred
23 prior to the noncompliance of Debtor.

24 9. Debtor is in breach under the terms of the Order and has ten (10) days to
25 cure. If a late charge becomes due and owing between the time the notice is given and the time
26 the debtor attempts to cure the breach, the cure of the breach must include the additional late
27 charge.

1 I declare under penalty of perjury under the Laws of the State of California that
2 the foregoing is true and correct to the best of my knowledge, information and belief.

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5 SCHEER LAW GROUP, LLP

6 DATED: December 31, 2009

/s/ REILLY D. WILKINSON
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1 or arrest or by using obscene language. Collectors may not use false or misleading statements or
2 call you at work if they know or have reason to know that you may not receive personal calls at
3 work. For the most part, collectors may not tell another person, other than your attorney or
4 spouse, about your debt. Collectors may contact another person to confirm your location or
5 enforce a judgment. For more information about debt collection activities, you may contact the
6 Federal Trade Commission at 1-877-FTC-HELP or www.ftc.gov.
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